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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/354,375	07/14/1999	WOLFGANG EIBACH	GE998-058	5076

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STEPHEN C KAUFMAN
IBM CORPORATION
INTELLECTUAL PROPERTY LAW T J WATSON
RES CENTER P O BOX 218
YORKTOWN HGTS, NY 10598

EXAMINER

AVELLINO, JOSEPH E

ART UNIT	PAPER NUMBER
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2156

DATE MAILED: 08/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/354,375

Applicant(s)

EIBACH ET AL.

Examiner

Joseph E. Avellino

Art Unit

2156

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-3 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spix et al. (USPN 6,195,676) (hereinafter Spix) in view of Ashby et al (USPN 6,047,280) (hereinafter Ashby). Spix discloses an operating system for handling dynamic tasks wherein said tasks are created, terminated and subsequently destroyed, characterized in that said operating system is also able to handle static tasks by creating terminating and subsequently putting said tasks into a suspended state so that said tasks can be

Art Unit: 2156

reactivated if required, without rebuilding any of their resources. See col. 2, lines 5-14; col. 25, lines 18-26. Spix does not disclose an operating system, handling dynamic tasks, especially telematic functions in a motor vehicle. Ashby discloses an operating system for handling dynamic tasks, especially telematic functions in a motor vehicle where tasks are put into a suspended state, so that tasks can be reactivated if required, without rebuilding any of their resources. See col. 10, lines 24-49 and col. 23, lines 35-40. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Moy with Ashby because it would increase the efficiency of the operating system, not having the overhead of reallocating resources for static tasks.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spix in view of Ashby as applied to claims 1 and 3 above, and further in view of Wallace et al. (USPN 5,938,708) (hereinafter Wallace). Spix in view of Ashby disclose an operating system as explained in the claims above. Spix further discloses the use of extending the kernel of the operating system. See col. 23, lines 29-38. Spix in view of Ashby does not disclose that a suspended state of a task is realized by extending the kernel of the operating system for handling dynamic tasks. Wallace discloses a suspended state of a task is realized by extending the kernel of the operating system for handling dynamic tasks. See col. 1, lines 45-49. Therefore it would be obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the combined teachings of Spix and Ashby with the teaching of Wallace because it would increase

Art Unit: 2156

efficiency of the operating system by having the kernel handle dynamic tasks rather than having a separate process check if a suspended state should be activated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (703) 305-7855. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-5404 for regular communications and (703) 306-5404 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JEA
August 5, 2002



**JOHN A. FOLLANSBEE
PRIMARY EXAMINER**